

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

BATES ENERGY OIL & GAS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No: SA-17-CA-808-XR
	)	
COMPLETE OIL FIELD SERVICES, LLC,	)	
and SAM TAYLOR,	)	
	)	
Defendants/Counter-Plaintiffs.	)	

**SHOW CAUSE ORDER**

On this date, the Court considered counsel Rob Wiley's failure to comply with Court orders and the possibility of sanctions for contempt of court. Although previously appearing and defending the claims against them, David Bravo, Lorena Silvestri Bravo, and FSU did not answer or otherwise respond to the Fourth Amended Counterclaim despite being duly served through their counsel. On September 11, 2019, the Court issued the following Order:

**Counsel for David Bravo, Lorena Silvestri Bravo, Unlimited Frac Sand d/b/a Frac Sand Unlimited ("FSU") Austin Harris Kaplan and Rob Wiley are ORDERED** to file an advisory, in writing, indicating whether they are still representing their clients, whether the failure to file a responsive pleading to the Fourth Amended Counterclaim was an intentional decision on behalf of their clients, whether counsel have explained to their clients the effects of failing to respond to the Fourth Amended Counterclaim, and whether they have fully explained to the clients the clients' rights with respect to COFS's motion for entry of default and the consequences of a default, no later than **September 25, 2019**.

Docket no. 132. In response, attorney Austin Kaplan filed an Unopposed Motion to Withdraw (docket no. 133) as counsel, noting that his firm has never had contact with the clients and was enlisted to aid in co-counsel Rob Wiley's motion for admission *pro hac vice*, which was granted. Kaplan states that Wiley is lead counsel and will be continuing to represent these parties. Kaplan

also filed an Advisory (docket no. 135), but it simply re-states the assertions in the Motion to Withdraw, and does not respond to the Court's Order.

Counsel Rob Wiley did not file an Advisory or in any way respond to the Court's Order, despite being served with the Order through the Court's electronic filing system. Accordingly, on October 1, 2019, this Court issued another Order stating, "Counsel Rob Wiley is ORDERED to respond to this Court's September 11, 2019 Order within three business days. Failure to do so may result in sanctions for contempt of court." Docket no. 137.

Counsel Rob Wiley has again failed to respond to this Court's order. Rob Wiley is admitted to this Court *pro hac vice*. Pursuant to Local Rule AT-7, counsel is expected comply with the standards of professional conduct governing lawyers. Further, this Court may refer counsel to the District Disciplinary Committee or may exercise its inherent authority to discipline an attorney who appears before him. *Id.* "The inherent power of a court to manage its affairs necessarily includes the authority to impose reasonable and appropriate sanctions upon errant lawyers practicing before it." *Nat. Gas Pipeline Co. of Am. V. Energy Gathering, Inc.*, 2 F.3d 1397, 1411 (5th Cir. 1993).

In addition, Federal Rule of Civil Procedure 16(f) provides that, on its own motion, the Court may issue any just orders if a party or its attorney fails to obey a pretrial order. FED. R. CIV. P. 16(f). Sanctions expressly approved by Rule 16(f) include those enumerated in subsections (ii) through (vii) of Rule 37(b)(2)(A), and subsection (vii) includes "treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination."

Pursuant to Rule 16(f) and the Court's inherent authority, **Counsel Rob Wiley is NOTIFIED that the Court intends to impose sanctions upon him for contempt of court, which may include revocation of his *pro hac vice* privileges and monetary sanctions.** Counsel

Rob Wiley shall be given one last opportunity to show cause why such sanctions should not issue, and **must do so in writing no later than November 8, 2019.**

The Clerk is DIRECTED to mail a copy of this Order to Rob Wiley, c/o Stewart & Wiley, 2202 Timberloch Place, Suite 110; The Woodlands, TX 77380 by certified mail, return receipt requested.

It is so ORDERED.

SIGNED this 21<sup>st</sup> of October, 2019.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', with a stylized flourish at the end.

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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE